

# HOUSE JOURNAL

## OF THE

# IDAHO LEGISLATURE

SECOND REGULAR SESSION  
SIXTIETH LEGISLATURE

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SIXTY-SIXTH LEGISLATIVE DAY  
WEDNESDAY, MARCH 17, 2010

House of Representatives

The House convened at 10:30 a.m., the Speaker in the Chair.

Roll call showed 69 members present.  
Absent and excused – Hart. Total – 1.  
Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Connor Cook, Page.

### Approval of Journal

March 17, 2010

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Sixty-fifth Legislative Day and recommend that same be adopted as corrected.

CLARK, Chairman

Mr. Clark moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

### Consideration of Messages from the Governor and the Senate

March 16, 2010

Mr. Speaker:

I transmit herewith enrolled [S 1247](#), [S 1252](#), as amended, [S 1299](#), [S 1315](#), [S 1329](#), [S 1367](#), [S 1392](#), [S 1393](#), [S 1394](#), [S 1395](#), and [S 1396](#) for the signature of the Speaker.

WOOD, Secretary

The Speaker announced he was about to sign enrolled [S 1247](#), [S 1252](#), as amended, [S 1299](#), [S 1315](#), [S 1329](#), [S 1367](#), [S 1392](#), [S 1393](#), [S 1394](#), [S 1395](#), and [S 1396](#) and, when so signed, ordered them returned to the Senate.

March 16, 2010

Mr. Speaker:

I return herewith enrolled [H 408](#), [H 411](#), [H 450](#), [H 446](#), [H 484](#), [H 494](#), and [H 544](#) which have been signed by the President.

WOOD, Secretary

Enrolled [H 408](#), [H 411](#), [H 450](#), [H 446](#), [H 484](#), [H 494](#), and [H 544](#) were referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

March 16, 2010

Mr. Speaker:

I transmit herewith [S 1382](#), as amended, [S 1383](#), as amended, and [S 1311](#), as amended, which have passed the Senate.

WOOD, Secretary

[S 1382](#), as amended, [S 1383](#), as amended, and [S 1311](#), as amended, were filed for first reading.

March 16, 2010

Mr. Speaker:

I transmit herewith [S 1404](#), [S 1405](#), and [S 1406](#) which have passed the Senate.

WOOD, Secretary

[S 1404](#), [S 1405](#), and [S 1406](#) were filed for first reading.

March 16, 2010

Mr. Speaker:

I return herewith [HJR 4](#) which has passed the Senate.

WOOD, Secretary

[HJR 4](#) was referred to the Judiciary, Rules, and Administration Committee for enrolling.

March 16, 2010

Mr. Speaker:

I return herewith [HJR 5](#) and [HJR 7](#) which have passed the Senate.

WOOD, Secretary

[HJR 5](#) and [HJR 7](#) were referred to the Judiciary, Rules, and Administration Committee for enrolling.

March 16, 2010

Mr. Speaker:

I return herewith [H 471](#), [H 449](#), [H 469](#), [H 444](#), as amended, [H 464](#), [H 465](#), [H 482](#), [H 513](#), [H 416](#), [H 516](#), [H 456](#), [H 458](#), [H 478](#), [H 525](#), [H 415](#), [H 417](#), [H 463](#), and [H 533](#) which have passed the Senate.

WOOD, Secretary

[H 471](#), [H 449](#), [H 469](#), [H 444](#), as amended, [H 464](#), [H 465](#), [H 482](#), [H 513](#), [H 416](#), [H 516](#), [H 456](#), [H 458](#), [H 478](#), [H 525](#), [H 415](#), [H 417](#), [H 463](#), and [H 533](#) were referred to the Judiciary, Rules, and Administration Committee for enrolling.

### Report of Standing Committees

March 17, 2010

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [HCR 64](#), [H 673](#), [H 674](#), [H 675](#), [H 676](#), [H 677](#), [H 678](#), [H 679](#), and [H 680](#).

CLARK, Chairman

[HCR 64](#), [H 673](#), [H 674](#), [H 677](#), [H 678](#), [H 679](#), and [H 680](#) were filed for second reading.

[H 675](#) was referred to the Agricultural Affairs Committee.

[H 676](#) was referred to the State Affairs Committee.

March 17, 2010

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have engrossed [H 400](#), as amended in the Senate.

CLARK, Chairman

[H 400](#), as amended in the Senate, was filed for first reading of engrossed bills.

March 17, 2010

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled [H 472](#), [H 409](#), [H 410](#), [H 468](#), [H 481](#), [H 483](#), and [H 514](#) to the Governor at 1:40 p.m., as of this date, March 16, 2010.

CLARK, Chairman

March 16, 2010

Mr. Speaker:

We, your COMMITTEE ON EDUCATION, report that we have had under consideration [H 650](#) and report it back with amendments attached to be placed on General Orders for consideration.

NONINI, Chairman

[H 650](#) was placed on General Orders for consideration.

March 16, 2010

Mr. Speaker:

We, your COMMITTEE ON HEALTH AND WELFARE, report that we have had under consideration [H 653](#) and recommend that it do pass.

BLOCK, Chairman

[H 653](#) was filed for second reading.

March 17, 2010

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration [S 1378](#), as amended, and recommend that it do pass.

LOERTSCHER, Chairman

[S 1378](#), as amended, was filed for second reading.

There being no objection, the House advanced to the Eighth Order of Business.

### **Introduction, First Reading, and Reference of Bills and Joint Resolutions**

#### **HOUSE BILL NO. 681 BY STATE AFFAIRS COMMITTEE AN ACT**

RELATING TO THE MEDICALLY INDIGENT; AMENDING SECTION 31-3501, IDAHO CODE, TO PROVIDE AN ADDITIONAL POLICY STATEMENT AND TO REVISE TERMINOLOGY; AMENDING SECTION 31-3502, IDAHO CODE, TO REVISE DEFINITIONS; AMENDING SECTION 31-3503, IDAHO CODE, TO REVISE THE POWERS AND DUTIES OF THE COUNTY COMMISSIONERS AND TO REVISE TERMINOLOGY; AMENDING SECTION 31-3503A, IDAHO CODE, TO REVISE THE POWERS AND DUTIES OF THE CATASTROPHIC HEALTH CARE COST PROGRAM BOARD AND TO REVISE TERMINOLOGY; AMENDING SECTION 31-3503C, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 31-3503E, IDAHO CODE, TO CLARIFY LANGUAGE AND TO PROVIDE FOR DEEMED CONSENT; AMENDING SECTION 31-3504, IDAHO CODE, TO REVISE A DEEMED CONSENT PROVISION, TO REVISE TERMINOLOGY, TO REVISE COUNTY CLERK DUTIES REGARDING DETERMINATION OF MEDICAID ELIGIBILITY, TO PROVIDE FOR A CERTAIN PROCEDURE DEPENDING ON WHETHER A PATIENT IS MEDICAID

ELIGIBLE, TO PROVIDE FOR CERTAIN DISCRETION FOR THE COUNTY COMMISSIONERS AND THE BOARD AND TO PROVIDE CERTAIN PROCEDURES FOR HOSPITALS AND PROVIDERS SEEKING REIMBURSEMENT; AMENDING SECTION 31-3505, IDAHO CODE, TO CLARIFY AND REVISE TERMINOLOGY; AMENDING SECTION 31-3505A, IDAHO CODE, TO PROVIDE FOR CERTAIN PROCEDURES ESTABLISHED BY THE COUNTY COMMISSIONERS AND THE BOARD AND TO CLARIFY AND REVISE TERMINOLOGY; AMENDING SECTION 31-3505B, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 31-3505C, IDAHO CODE, TO REVISE AND CLARIFY TERMINOLOGY, TO PROVIDE FOR THE SUSPENSION OF AN INITIAL DETERMINATION TO DENY AN APPLICATION ON SPECIFIED GROUNDS AND TO PROVIDE FOR A TOLLING OF CERTAIN TIME LIMITATIONS IN THE EVENT OF A SUSPENSION; AMENDING SECTION 31-3505D, IDAHO CODE, TO PROVIDE FOR APPEAL OF THE INITIAL DETERMINATION OF THE DENIAL OF AN APPLICATION AND TO REVISE TERMINOLOGY; AMENDING SECTION 31-3505E, IDAHO CODE, TO REVISE AND CLARIFY TERMINOLOGY; AMENDING SECTION 31-3505F, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 31-3505G, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 31-3507, IDAHO CODE, TO REMOVE CERTAIN HOSPITAL NOTIFICATION REQUIREMENTS, TO CLARIFY AND REVISE TERMINOLOGY AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 31-3508, IDAHO CODE, TO REQUIRE PARTICIPATION IN CERTAIN PROGRAMS BY CERTAIN HOSPITALS AND PROVIDERS AND TO PROVIDE LIMITATION ON PAYMENT BY THE BOARD AND COUNTIES; AMENDING SECTION 31-3509, IDAHO CODE, TO PROVIDE FOR CERTAIN PAYMENT LIMITATIONS FOR THE BOARD AND OBLIGATED COUNTIES, TO REVISE CERTAIN REQUIREMENTS FOR HOSPITALS AND PROVIDERS MAKING CLAIMS FOR REIMBURSEMENT, TO REVISE TERMINOLOGY, TO PROVIDE PAYMENT PROCEDURES UNDER SPECIFIED CIRCUMSTANCES, TO PROVIDE FOR THE PRORATING OF A FIRST LIEN AND TO PROVIDE FOR THE RECOVERY OF CERTAIN OVERPAYMENTS; AMENDING SECTION 31-3510, IDAHO CODE, TO REVISE TERMINOLOGY AND TO PROVIDE FOR THE DETERMINATION OF ATTORNEY FEES; AMENDING SECTION 31-3510A, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 31-3511, IDAHO CODE, TO REVISE TO WHOM AND FROM WHOM CERTAIN RESPONSIBILITIES ARE OWING, TO REVISE TERMINOLOGY AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 31-3512, IDAHO CODE, TO REVISE TERMINOLOGY AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 31-3513, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO REVISE TERMINOLOGY; AMENDING SECTION 31-3514, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 31-3515, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 31-3515A, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 31-3517, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 31-3518, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 31-3519, IDAHO CODE, TO REVISE THE SERVICES FOR WHICH PAYMENT IS TO BE MADE, TO REVISE PROCEDURES FOR MAKING CERTAIN PAYMENTS AND TO REVISE TERMINOLOGY; AMENDING SECTION

31-3520, IDAHO CODE, TO REVISE TERMINOLOGY; AND AMENDING SECTION 31-3521, IDAHO CODE, TO REVISE TERMINOLOGY AND TO MAKE A TECHNICAL CORRECTION.

**HOUSE BILL NO. 682**  
**BY EDUCATION COMMITTEE**  
AN ACT

RELATING TO THE IDAHO SCHOOL BOND GUARANTY ACT; AMENDING SECTION 33-5305, IDAHO CODE, TO PROVIDE THAT THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL MAKE REPORTS OF SCHOOL DISTRICT FISCAL SOLVENCY; AMENDING SECTION 33-5306, IDAHO CODE, TO AUTHORIZE THE TREASURER TO ESTABLISH PROCEDURES FOR PROVIDING NOTICE WHERE A DEBT SERVICE PAYMENT MAY BE DELINQUENT AND TO PROVIDE THE PROCESS FOR THE TREASURER TO MAKE SUCH PAYMENTS; AMENDING SECTION 33-5308, IDAHO CODE, TO ESTABLISH THE FUNDING ACTIVITIES AVAILABLE TO THE TREASURER TO MAKE A SCHOOL BOND DEBT SERVICE PAYMENT, TO PROVIDE LIMITATIONS ON AND AUTHORIZATION FOR THE REPLACEMENT OF INTERCEPTED FUNDS, AND TO REMOVE LANGUAGE TRANSFERRED TO A NEW SECTION; AMENDING CHAPTER 53, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-5308A, IDAHO CODE, TO PROVIDE THE REQUIREMENTS FOR NOTES ISSUED BY THE TREASURER TO FUND A SCHOOL BOND DEBT SERVICE PAYMENT; AMENDING SECTION 33-5309, IDAHO CODE, TO REMOVE REFERENCES TO THE STATE SALES TAX ACCOUNT AND DUTIES OF THE TAX COMMISSION, TO ESTABLISH DUTIES OF THE CONTROLLER AND TO PROVIDE FOR PAYMENT OF GUARANTEED SCHOOL BOND DEBT SERVICE PAYMENTS AND REPAYMENT OF BORROWED FUNDS FROM SALES TAX RECEIPTS; AND DECLARING AN EMERGENCY.

**HOUSE BILL NO. 683**  
**BY APPROPRIATIONS COMMITTEE**  
AN ACT

REDUCING THE APPROPRIATION TO THE IDAHO STATE HISTORICAL SOCIETY FOR FISCAL YEAR 2010; APPROPRIATING ADDITIONAL MONEYS FOR THE IDAHO STATE HISTORICAL SOCIETY FOR FISCAL YEAR 2010; APPROPRIATING MONEYS TO THE IDAHO STATE HISTORICAL SOCIETY FOR FISCAL YEAR 2011; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; PROVIDING LEGISLATIVE INTENT; AND DECLARING AN EMERGENCY.

**HOUSE BILL NO. 684**  
**BY STATE AFFAIRS COMMITTEE**  
AN ACT

RELATING TO THE STATE ATHLETIC COMMISSION; AMENDING SECTION 54-402, IDAHO CODE, TO REVISE DEFINITIONS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-406, IDAHO CODE, TO PROVIDE THE COMMISSION AUTHORITY TO ESTABLISH CERTAIN FEES, TO PROVIDE ADDITIONAL NATIONALLY RECOGNIZED SANCTIONING ASSOCIATIONS, TO PROVIDE REQUIREMENTS FOR CERTAIN PROMOTERS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-408, IDAHO CODE, TO REVISE PROVISIONS

RELATING TO BOND OR OTHER SECURITY FILED BY PROMOTERS; AMENDING SECTION 54-410, IDAHO CODE, TO REQUIRE A PAYMENT OF FEES FOR THE ISSUANCE OF A LICENSE OR SANCTIONING PERMIT; AMENDING SECTION 54-411, IDAHO CODE, TO REVISE PROVISIONS RELATING TO A STATEMENT AND REPORT OF AN EVENT AND TO PROVIDE REQUIREMENTS RELATING TO THE PAYMENT OF A CERTAIN TAX TO THE COMMISSION; AMENDING SECTION 54-413, IDAHO CODE, TO REVISE TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-419, IDAHO CODE, TO REVISE PROVISIONS RELATING TO A CERTAIN STATEMENT AND REPORT OF AN EVENT; AND AMENDING SECTION 54-420, IDAHO CODE, TO REVISE PROVISIONS RELATING TO PROHIBITIONS AND PENALTIES.

**HOUSE BILL NO. 685**  
**BY APPROPRIATIONS COMMITTEE**  
AN ACT

REDUCING THE APPROPRIATION TO THE SUPREME COURT FOR FISCAL YEAR 2010; APPROPRIATING ADDITIONAL MONEYS TO THE SUPREME COURT FOR FISCAL YEAR 2010; TRANSFERRING MONEYS FROM THE GUARDIAN AD LITEM FUND TO THE GENERAL FUND FOR FISCAL YEAR 2010; APPROPRIATING AND DIRECTING THE TRANSFER OF MONEYS FROM THE GENERAL FUND TO THE GUARDIAN AD LITEM FUND FOR FISCAL YEAR 2011; APPROPRIATING MONEYS TO THE SUPREME COURT FOR FISCAL YEAR 2011; EXEMPTING THE SUPREME COURT FROM CERTAIN APPROPRIATION TRANSFER LIMITATIONS; AND DECLARING AN EMERGENCY.

[H 681](#), [H 682](#), [H 683](#), [H 684](#), and [H 685](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

[S 1382](#), as amended, and [S 1383](#), as amended, by Judiciary and Rules Committee, were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee.

[S 1311](#), as amended, by Transportation Committee, was introduced, read the first time by title, and referred to the Transportation and Defense Committee.

[S 1404](#), [S 1405](#), and [S 1406](#), by Finance Committee, were introduced, read the first time by title, and filed for second reading.

**First Reading of Engrossed Bills**

[H 400](#), as amended in the Senate, by Education Committee, was introduced, read the first time by title, and filed for second reading.

**Second Reading of Bills and Joint Resolutions**

Mr. Loertscher asked unanimous consent that [S 1376](#) be placed on General Orders for consideration. There being no objection it was so ordered.

[H 668](#), [H 669](#), [H 670](#), and [H 671](#), by Appropriations Committee, were read the second time by title and filed for third reading.

[H 633](#), by State Affairs Committee, was read the second time by title and filed for third reading.

S 1330, as amended, S 1370, and S 1341, as amended in the House, by Judiciary and Rules Committee, were read the second time by title and filed for third reading.

S 1248, S 1250, S 1251, S 1323, S 1325, and S 1324, by Commerce and Human Resources Committee, were read the second time by title and filed for third reading.

S 1366, as amended, by Education Committee, was read the second time by title and filed for third reading.

S 1402, by Finance Committee, was read the second time by title and filed for third reading.

H 586, as amended, by Business Committee, was read the second time by title and filed for third reading.

H 407, as amended, and H 532, as amended, by Resources and Conservation Committee, were read the second time by title and filed for third reading.

H 640, as amended, by Education Committee, was read the second time by title and filed for third reading.

H 645, as amended, and H 646, as amended, by Revenue and Taxation Committee, were read the second time by title and filed for third reading.

There being no objection, the House advanced to the Twelfth Order of Business.

#### Consideration of General Orders

Mr. Moyle moved that the House do now resolve itself into a Committee of the Whole House for the consideration of General Orders. Seconded by Mr. Rusche. Motion carried.

Whereupon the House resolved itself into a Committee of the Whole House for the consideration of General Orders with Mr. Bedke in the Chair.

When the Committee of the Whole House rose, the Speaker returned to the Chair and the House was in order.

#### Report of the Committee of the Whole House

March 17, 2010

Mr. Speaker:

We, your COMMITTEE OF THE WHOLE HOUSE, report that we have had under consideration H 541, S 1354, H 665, and S 1376 and report them back without recommendation, amended as follows:

#### HOUSE AMENDMENT TO H.B. NO. 541

##### AMENDMENT TO SECTION 1

On page 2 of the printed bill, delete lines 41 through 43, and insert: "The state of Idaho shall establish the legal presence of persons from those states known to issue driver's licenses or identity credentials to illegal aliens prior to issuing an Idaho driver's license.".

##### AMENDMENT TO SECTION 2

On page 3, in line 9, delete "color" and insert: "color"; and delete lines 11 and 12, and insert: "is made. The department shall use a color photograph, unless the department determines that using a black and white photograph is as effective as a color photograph for identification purposes. The"; delete lines 19 through 21, and insert: "medical condition of the licensee. Machine readable information included in the two-dimensional bar code shall contain no other information about the person

other than the person's full legal name and the human readable information printed on the card including"; following line 25, insert:

"(3) No person shall utilize a one-to-many facial recognition searching technology to search the driver's license database of photographs, unless under the authority of a court order related to a specific crime or in an investigation of a specific crime when the alleged perpetrator is a flight risk and a court order will be timely sought."; in line 26, delete "(3)" and insert: "(4)"; in line 29, delete "(4)" and insert: "(45)"; in line 35, delete "(5)" and insert: "(56)"; and in line 44, delete "(6)" and insert: "(67)".

#### AMENDMENT TO THE BILL

On page 3, following line 49, insert:

"SECTION 3. That Section 49-2444, Idaho Code, be, and the same is hereby amended to read as follows:

49-2444. IDENTIFICATION CARD ISSUED – FOUR-YEAR OR EIGHT-YEAR. (1) The department shall issue a distinguishing identification card which shall set forth the information contained in the application, in a form as prescribed by the department. All identification cards issued on or after January 1, 1993, shall not contain the applicant's social security number. An applicant's social security number shall be exempt from disclosure except for inquiries from agencies or institutions authorized to obtain such information by federal law or regulation, from peace officers or from jury commissioners. Each card shall have printed on it the applicant's full name, date of birth, Idaho residence address, sex, weight, height, eye color, hair color, and shall be issued a distinguishing number assigned to the applicant. Each card shall also have printed on it the name of this state, the date of issuance, and the date of expiration. An identification card shall not be valid until it has been signed on the signature line by the applicant. Each card shall bear upon it a ~~color~~ photograph of the applicant which shall be taken by the examiner at the time of application. The department shall use a color photograph, unless the department determines that using a black and white photograph is as effective as a color photograph for identification purposes. The photograph shall be taken without headgear or other clothing or device that disguises or otherwise conceals the face or head of the applicant. A waiver may be granted by the department allowing the applicant to wear headgear or other head covering for medical, religious or safety purposes so long as the face is not disguised or otherwise concealed. At the request of the applicant, an identification card may contain a statement or indication of the medical condition of the applicant. Machine readable information included in the two-dimensional bar code shall contain no other information about the person other than the person's full legal name and the human readable information printed on the card including any code identifiers used to organize such data. No identification card shall employ any device or technique that can transmit information to any distance from the identification card without the express consent or voluntary participation of the identification card bearer.

No person shall receive an identification card unless and until he surrenders to the department all identification cards in his possession issued to him by Idaho or any other jurisdiction, or any driver's license issued by any other jurisdiction within the United States, or until he executes an affidavit that he does not possess an identification card or any driver's license.

Identification cards issued to persons under eighteen (18) years of age shall include a notation "under 18 until (month, day, year)," and identification cards issued to persons eighteen (18) years of age to twenty-one (21) years of age shall



include a notation "under 21 until (month, day, year)." The nonrefundable fee for a four-year identification card issued to persons twenty-one (21) years of age or older shall be ten dollars (\$10.00) of which five dollars (\$5.00) shall be retained by the county and credited to the current expense fund, and five dollars (\$5.00) shall be deposited in the state treasury to the credit of the highway distribution account. The nonrefundable fee for identification cards issued to persons under twenty-one (21) years of age shall be ten dollars (\$10.00), of which five dollars (\$5.00) shall be retained by the county and credited to the current expense fund, and five dollars (\$5.00) shall be deposited in the state treasury to the credit of the highway distribution account. The nonrefundable fee for an eight-year identification card shall be twenty dollars (\$20.00) of which ten dollars (\$10.00) shall be retained by the county and credited to the current expense fund, and ten dollars (\$10.00) shall be deposited in the state treasury to the credit of the highway distribution account. At the option of the applicant, the identification card issued to a person twenty-one (21) years of age or older shall expire either on the cardholder's birthday in the fourth year or the eighth year following issuance of the card, except as otherwise provided in subsection (3) of this section. Every identification card issued to a person under eighteen (18) years of age shall expire five (5) days after the person's eighteenth birthday, except as otherwise provided in subsection (3) of this section. Every identification card issued to a person eighteen (18) years of age but under twenty-one (21) years of age shall expire five (5) days after the person's twenty-first birthday, except as otherwise provided in subsection (3) of this section.

Individuals required to register in compliance with section 3 of the federal military selective service act, 50 U.S.C. App. 451 et seq., as amended, shall be provided an opportunity to fulfill such registration requirements in conjunction with an application for an identification card. Any registration information so supplied shall be transmitted by the department to the selective service system.

(2) Every identification card, except those issued to persons under twenty-one (21) years of age, shall be renewable on or before its expiration, but not more than twelve (12) months before, and upon application and payment of the required fee.

(3) Every identification card issued to a person who is not a citizen or permanent legal resident of the United States shall have an expiration date that is the same date as the end of lawful stay in the United States as indicated on documents issued and verified by the department of homeland security, provided however, that the expiration date shall not extend beyond the expiration date for the same category of identification card issued to citizens. Persons whose department of homeland security documents do not state an expiration date shall be issued an identification card with an expiration date of one (1) year from the date of issuance.

(4) When an identification card has been expired for less than twelve (12) months, the renewal of the identification card shall start from the original date of expiration regardless of the year in which the application for renewal is made. If the identification card is expired for more than twelve (12) months, the application shall expire, at the option of the applicant, on the applicant's birthday in the fourth year or the eighth year following reissuance of the identification card, except as otherwise provided in subsection (3) of this section.

(5) A person possessing an identification card who desires to donate any or all organs or tissue in the event of death, and who has completed a document of gift pursuant to the provisions for donation of anatomical gifts as set forth in chapter 34, title 39, Idaho Code, may, at the option of the donor, indicate this desire on the identification card by the imprinting of the word "donor" on the identification card. The provisions of this subsection shall

apply to persons possessing an identification card who are sixteen (16) years of age or older but less than eighteen (18) years of age if the requirements provided in chapter 34, title 39, Idaho Code, have been complied with.

(6) A person possessing an identification card or an applicant for an identification card who is a person with a permanent disability may request that the notation "permanently disabled" be imprinted on the identification card, provided the person presents written certification from a licensed physician verifying that the person's stated impairment qualifies as a permanent disability according to the provisions of section 49-117, Idaho Code.

(7) In the case of a name change, the applicant shall provide legal documentation to verify the change in accordance with department rules.

(8) Whenever any person, after applying for or receiving an identification card, shall move from the address shown on the application or on the identification card issued, that person shall, within thirty (30) days, notify the transportation department in writing of the old and new addresses.

(9) The department shall cancel any identification card upon determining that the person was not entitled to the issuance of the identification card, or that the person failed to give the required and correct information in his application or committed fraud in making the application. Upon cancellation, the person shall surrender the canceled identification card to the department.

(10) If any person shall fail to return to the department the identification card as required, the department may direct any peace officer to secure its possession and return the identification card to the department.

(11) The department may issue a no-fee identification card to an individual whose driver's license has been canceled and voluntarily surrendered as provided in section 49-322(4), Idaho Code. The identification card may be renewed at no cost to the applicant as long as the driver's license remains canceled.

(12) It is an infraction for any person to fail to notify the department of a change of address as required by the provisions of subsection (8) of this section.

(13) The state of Idaho shall establish the legal presence of persons from those states known to issue driver's licenses or identity credentials to illegal aliens prior to issuing an Idaho identification card.

(14) No person shall utilize a one-to-many facial recognition searching technology to search the identification card database of photographs, unless under the authority of a court order related to a specific crime or in an investigation of a specific crime when the alleged perpetrator is a flight risk and a court order will be timely sought."

#### CORRECTION TO TITLE

On page 1, delete lines 3 through 7, and insert: "CODE, TO PROVIDE THAT THE STATE OF IDAHO SHALL ESTABLISH THE LEGAL PRESENCE OF CERTAIN PERSONS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 49-315, IDAHO CODE, TO REVISE PROVISIONS RELATING TO CERTAIN PHOTOGRAPHS, TO PROVIDE PROVISIONS RELATING TO CERTAIN MACHINE READABLE INFORMATION"; in line 8, delete "CODES"; in line 9, delete "AND" and insert: ";"; in line 10, following "PARTICIPATION" insert: "AND TO PROVIDE THAT NO PERSON SHALL UTILIZE CERTAIN SEARCHING TECHNOLOGY TO SEARCH A DATABASE AND TO PROVIDE FOR EXCEPTIONS; AND AMENDING SECTION 49-2444, IDAHO CODE, TO REVISE PROVISIONS RELATING TO CERTAIN PHOTOGRAPHS, TO PROVIDE PROVISIONS RELATING

TO CERTAIN MACHINE READABLE INFORMATION AND TO PROHIBIT THE USE OF CERTAIN DEVICES OR TECHNIQUES THAT CAN TRANSMIT CERTAIN INFORMATION, TO PROVIDE FOR CONSENT OR VOLUNTARY PARTICIPATION, TO PROVIDE THAT THE STATE OF IDAHO SHALL ESTABLISH THE LEGAL PRESENCE OF CERTAIN PERSONS, TO PROVIDE THAT NO PERSON SHALL UTILIZE CERTAIN SEARCHING TECHNOLOGY TO SEARCH A DATABASE AND TO PROVIDE FOR EXCEPTIONS".

#### HOUSE AMENDMENT TO S.B. NO. 1354

##### AMENDMENT TO SECTION 1

On page 1 of the printed bill, in line 20, delete "included" and insert: "including".

##### AMENDMENT TO SECTION 2

On page 1, in line 34, following "district" insert: ", which resolution shall be forwarded to the state department of education".

##### AMENDMENT TO SECTION 3

On page 2, in line 7, following "Code" insert: "The provisions of section 33-906, Idaho Code, shall not apply to bonds or portions of bonds issued to acquire, develop or renovate school energy systems as authorized in section 33-604, Idaho Code, when the school district begins to sell thermal energy for revenue as authorized in section 33-605, Idaho Code".

##### CORRECTION TO TITLE

On page 1, in line 11, following "SYSTEMS" insert: "AND TO NEGATE APPLICATION OF THE BOND LEVY EQUALIZATION PROGRAM".

#### HOUSE AMENDMENT TO H.B. NO. 665

##### AMENDMENT TO SECTION 1

On page 1 of the printed bill, delete line 28, and insert: "exclusively for the benefit of elementary or secondary education" and delete line 30, and insert: "and designated as any such elementary or secondary education".

##### CORRECTION TO TITLE

On page 1, delete line 6, and insert: "EXCLUSIVELY FOR THE BENEFIT OF ELEMENTARY OR SECONDARY" and delete line 8, and insert: "RECOGNIZED AND DESIGNATED AS ANY SUCH ELEMENTARY OR SECONDARY".

#### HOUSE AMENDMENT TO S.B. NO. 1376

##### AMENDMENT TO SECTION 1

On page 1 of the printed bill, in line 8, delete "be compensated" and insert: "~~be compensated~~"; in line 9, delete "at the rate" and insert: "~~at the rate~~"; in line 15, following "~~employees~~" insert: "receive an honorarium"; in line 18, following "Code" insert: "Payment of an honorarium as provided in this section shall not be considered salary as defined in section 59-1302(31), Idaho Code".

##### CORRECTION TO TITLE

On page 1, delete line 3, and insert: "72-1504, IDAHO CODE, TO PROVIDE AN HONORARIUM TO MEMBERS OF THE".

We have also had under consideration [S 1352](#), as amended, report progress and beg leave to sit again.

BEDKE, Chairman

Mr. Bedke moved that the report be adopted. Seconded by Mr. Moyle.

Whereupon the Speaker declared the report adopted.

[H 541](#), as amended, and [H 665](#), as amended, were referred to the Judiciary, Rules, and Administration Committee for engrossing.

[S 1354](#), as amended in the House, and [S 1376](#), as amended in the House, were filed for first reading.

[S 1352](#), as amended, was retained on General Orders.

The amendments were referred to Judiciary, Rules, and Administration committee for printing.

There being no objection, the House returned to the Eleventh Order of Business.

#### Third Reading of Bills and Joint Resolutions

Mr. Moyle asked unanimous consent that [H 524](#), as amended, be returned to the Judiciary, Rules, and Administration Committee. There being no objection, it was so ordered.

Mr. Moyle asked unanimous consent that [H 573](#) retain its place on the Third Reading Calendar for one legislative day. There being no objection, it was so ordered.

Mr. Moyle asked unanimous consent that [S 1347](#) be returned to the State Affairs Committee. There being no objection, it was so ordered.

[H 656](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Wood(27) to open debate.

Pursuant to Rule 38(3), Mr. Wood(27) disclosed a conflict of interest regarding [H 656](#).

The question being, "Shall [H 656](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Saylor, Schaefer, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayne, Thompson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 68.

NAYS – None.

Absent and excused – Black, Hart. Total – 2.

Total – 70.

Whereupon the Speaker declared that [H 656](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 609](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Wills to open debate.



[S 1321](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Gibbs to open debate.

The question being, "Shall [S 1321](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Saylor, Schaefer, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayn, Thompson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 69.

NAYS – None.

Absent and excused – Hart. Total – 1.

Total – 70.

Whereupon the Speaker declared that [S 1321](#) passed the House. Title was approved and the bill ordered returned to the Senate.

Mr. Moyle asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places for one legislative day. There being no objection, it was so ordered.

There being no objection, the House advanced to the Sixteenth Order of Business.

### **Adjournment**

Mr. Moyle moved that the House adjourn until 10:30 a.m., Thursday, March 18, 2010. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 12:07 p.m.

LAWERENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk